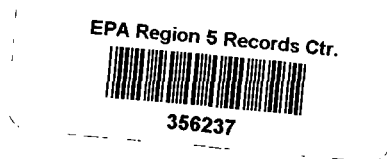


Holme Roberts & Owen LLP

E. 6
8/28/00



August 28, 2000

Ms. Carol Ropski
U.S. Environmental Protection Agency
Region 5 SE-5J
Emergency Enforcement and Support Section
77 West Jackson Blvd.
Chicago, IL 60604-3590

Re: Western Mineral Products Site

Kenneth W. Lund
(303) 866-0409
lundk@hro.com

Dear Ms. Ropski:

Enclosed is W.R. Grace's response to the Region 5 Information Request for the Western Mineral Products site in Minneapolis, Minnesota. Grace has already transmitted its response to Question 3 to your attention, pursuant to my agreement with Thomas Krueger. Please contact me if you have any questions.

Attorneys at Law
1700 Lincoln Street
Suite 4100
Denver, Colorado
80203-4541
Tel (303) 861-7000
Fax (303) 866-0200
www.hro.com

Denver
Salt Lake City
Boulder
Colorado Springs
London

Very truly yours,

Kenneth W. Lund
Kenneth W. Lund

KWL:

cc: David Cleary, Grace

RESPONSE TO REGION V REQUEST FOR INFORMATION
WESTERN MINERAL PRODUCTS SITE

GENERAL OBJECTIONS

W.R. Grace & Co.-Conn. ("Grace") makes the following General Objections:

1. Grace objects to the Request, and to each paragraph therein, on the grounds that it is overly broad, unduly burdensome and prohibitively time consuming, and some of the information requested could be located and identified as easily by the U.S. Environmental Protection Agency ("EPA") as by Grace.
2. Grace objects to the Request, and to each paragraph therein, to the extent it calls for information or documents that are protected under the attorney-client privilege or the work product doctrine.
3. Grace objects to the Request, and to each paragraph therein, to the extent the Request seeks to impose on Grace an obligation to obtain information or documents from third persons or others, which are not in Grace's custody or control.
4. Grace objects to the Request, and to each paragraph therein, to the extent that it calls for disclosure of confidential information in which there is an actual and reasonable expectation of privacy.
5. Grace objects to the Request, and to each paragraph therein, to the extent that it calls for disclosure of confidential information to the extent that it could subject Grace to claims by persons or entities asserting that such information was impermissibly disclosed.
6. Grace objects to the Request, and to each paragraph therein, to the extent that it calls for the disclosure of confidential or proprietary business information and/or information protected under various trade secret and intellectual property laws.
7. Grace objects to the Request, and to each paragraph therein, to the extent that it seeks to impose on Grace an obligation or obligations outside the purview of EPA's authority under 42 U.S.C. § 9604(e).
8. Grace objects to the Request, and to each paragraph therein, as beyond the scope of EPA's authority under 42 U.S.C. § 9604(e) to the extent that the Request seeks to compel Grace to answer questions unrelated to EPA's investigation of Grace's vermiculite mine in Libby, Montana because EPA has not identified any health risks associated with non-Libby vermiculite ore.

9. Grace further objects to the Request, and to each paragraph therein, because the Request is not limited by location or time period and is outside the purview of EPA's authority under 42 U.S.C. § 9604(e).

10. The following answers are based upon facts known or believed by Grace at the time of answering these questions. EPA has given Grace very little time to investigate and draft answers to a significant number of questions, which may have in certain cases limited Grace's ability to fully respond to the Request. Much of the information is sought from many years ago and is, therefore, difficult or impossible to reconstruct or retrieve. Grace therefore reserves the right to amend these answers as and if new or better information becomes available to it or if errors are discovered.

OBJECTIONS TO THE INSTRUCTIONS AND DEFINITIONS

Without waiving or limiting its General Objections, Grace makes the following objections to the Instructions and Definitions, and to all requests for information that purport to use these Instructions and Definitions:

1. Definitions 1, 3, 7, 9, 10, and 11 are not used in EPA Request Nos. 1-29 and 21-28. Grace reserves the right to object to these definitions to the extent they are used in any future requests.
2. Grace objects to Definition No. 12 and all questions that purport to utilize this definition, to the extent that Grace is being asked to respond to questions regarding the "Site" which apply to the "Western Mineral Products facility" which predates ownership by W.R. Grace. Grace further objects to Definition 12 to the extent it defines "Site" as two separate addresses. The Minneapolis facility formerly operated by Grace was located at 1720 Madison Street N.E. Grace never had any interest in any facility at 1815 Jefferson Street N.E. Accordingly, Grace's responses to requests purporting to require information on the "Site" are limited to the facility formerly operated by Grace at 1720 Madison Street N.E.
3. Grace objects to Definition No. 14 and all questions that purport to utilize this definition, to the extent that the term "Western Minerals" includes Grace. Western Mineral Products Company, a Nebraska and Minnesota corporation, is not the same entity as W.R. Grace & Co.-Conn., a Connecticut corporation.

RESPONSES

Question 1:

Identify the person(s) answering these Questions on behalf of Respondent.

Response Question 1:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Without waiving these objections, Grace responds as follows:

David Cleary
Senior Environmental Counsel
W.R. Grace & Co.
5400 Broken Sound Blvd.
Boca Raton, FL 33487

Question 2:

Indicate the documents or sources of information relied upon in providing answers to each of these questions.

Response Question 2:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Without waiving these objections, Grace responds as follows:

Grace is providing to EPA the documents in its possession and relied upon in providing answers to this Request.

Question 3:

Provide the years in which this Site has operated.

Response Question 3:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Without waiving these objections, Grace incorporates its response and objections to this question sent by letter dated August 16.

Question 4:

What were the dates that Western Minerals owned and/or operated at the Site?

Response Question 4:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its response to Question 3.

Question 5:

Describe the acquisition of Western Mineral Products and/or the Site by W.R. Grace. Include the date(s) that the acquisition took place.

Response Question 5:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its response to Question 3.

Question 6:

Did Western Minerals conduct any environmental assessments and/or cleanup action(s) during its ownership of the Site? If the answer is yes, provide a copy of all assessments and any work done as a result of those assessments and/or cleanups. If the answer is yes provide a copy of all documents related to all assessments and/or cleanup activities.

Response Question 6:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 6 to the extent it requires Grace to provide documents not in its possession or control. Without waiving these objections, Grace responds as follows:

Grace is producing all environmental assessments in Grace's possession concerning the Site.

Question 7:

Provide a copy of the 1989 Phase 1 environmental assessment.

Response Question 7:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 7 as vague and ambiguous. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its response to Question 6.

Question 8:

Provide a copy of any other environmental assessments that Western Minerals had conducted at the Site.

Response Question 8:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 8 to the extent it requires Grace to provide documents not in its possession or control. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its response to Question 6.

Question 9:

What kind of products were manufactured by Western Minerals at the Site? Be sure to include dates in which those products started to be manufactured and the dates that the product was no longer manufactured at the Site.

Response Question 9:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace objects to Question 9 to the extent it asks Grace to identify products manufactured at the Site during a period in which the Site was not owned or controlled by Grace. Grace further objects to Question 9 as vague and ambiguous. Grace is not aware of the "kind of products manufactured" at the Minneapolis facility during the entire period of Grace's operation of the Site. Grace is producing documents in its possession which may identify products manufactured at the Site during various periods of operation.

Question 10:

Describe how Libby ore was shipped to the Site, including method of transportation and precautions taken, if any, to prevent spillage or fugitive emissions during transport.

Response Question 10:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 10 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "transportation," "precautions taken," "spillage," "fugitive emission," and "during transport." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace is unaware of the means of transportation for all shipments of Libby ore to the Minneapolis facility. Grace typically shipped Libby ore to facilities in enclosed railcars. Grace also incorporates here by reference its response to Question 9.

Question 11:

Provide the dates of any shipments of Libby ore to this facility and the amount of such ore received in each shipment.

Response Question 11:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Without waiving these objections, Grace responds as follows:

Grace previously provided EPA Region VIII with invoices for shipments of ore from Libby. In addition, Grace also provided EPA Region VIII with summaries of shipments from Libby. Grace is producing a copy of the summaries of ore shipments with this response.

Question 12:

If analyses were performed which describe the amphibole asbestos content of the Libby ore in each shipment, please provide the data indicating the results of such analyses. For any such analyses, describe sampling and analysis methodology, as well as sample particle size. Include data resulting from analyses of such Libby ore.

Response Question 12:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 12 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "analyses," "amphibole asbestos content," "shipment," "sampling and analysis methodology" and "sample particle size." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace also objects to Question 12 to the extent that it requests confidential or proprietary business information and/or information protected under various trade secret and intellectual property laws. Without waiving these objections, Grace responds as follows:

Grace sampled Libby vermiculite concentrate prior to shipping and analyzed the samples for asbestos content. Grace cannot determine whether any analyzed samples correspond to Libby ore actually shipped to the Minneapolis facility. Grace previously produced to EPA Region VIII, in response to EPA's First Request for Information regarding the Libby site, documents that reflect the sampling and analysis methodology as well as the resulting data, which may be found more specifically in a box of analytical results labeled Cambridge 1, as well as in boxes 98z, 99z, 100z, 101z, and 103z also provided to Region VIII.

Question 13:

If analyses were performed which describe the amphibole asbestos content of any other vermiculite ore in shipments to this Site, please provide for each shipment the source of the ore and the data indicating the results of such analyses. For any such analyses, describe sampling

and analysis methodology, as well as sample particle size. Include data resulting from analyses of such other vermiculite ore.

Response Question 13:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 13 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "analysis," "amphibole asbestos content," "vermiculite ore," "shipments," "sampling and analysis methodology" and "sample particle size." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace also objects to Question 13 to the extent that it requests confidential or proprietary business information and/or information protected under various trade secret and intellectual property laws. Without waiving these objections, Grace responds as follows:

The Grace laboratories in Cambridge analyzed vermiculite ore from deposits all over the world for research purposes. Grace objects to providing these analyses as they do not in any way relate to Libby vermiculite ore.

Question 14:

Provide schematic diagrams, drawings, photographs and/or aerial photographs of the facility which provide great enough detail to identify all aspects of Western Minerals' operation at the Site, including, but not limited to, ore storage, product storage, process operations and waste storage. Include appropriate diagrams indicating changes in the facility design over time.

Response Question 14:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 14 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "diagrams," "drawings," "ore storage," "product storage," "process operations," "appropriate diagrams," "facility design" and "over time." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace also objects to Question 14 to the extent that it requests confidential or proprietary business information and/or information protected under various trade secret and intellectual property laws. Grace further objects to this request to the extent it asks Grace to produce documents during a period in which Grace was not the owner or operator of the Minneapolis facility. Without waiving these objections, Grace responds as follows:

Grace is producing diagrams of the Minneapolis facility with this response.

Question 15:

Indicate on documents provided pursuant to Question #14 the locations of current and past storage of vermiculite ore at the Site, denoting specifically those areas where Libby ore was stored.

Response Question 15:

Grace incorporates here by reference its General Objections, its Objections To The Instructions and Definitions. Grace further objects to Question 15 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "storage," "vermiculite ore" and "areas." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Incoming vermiculite concentrates were stored in the two concrete silos on the right (or east) side of the diagrams produced in response to Question 14 (and which appear as circles in the diagrams). Grace is unaware of any documents that indicate whether concentrates from Libby were segregated from other concentrates within those silos.

Question 16:

Describe how vermiculite ore is stored and was stored in the past at the Site, e.g., storage piles, containers, etc.

Response Question 16:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 16 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "vermiculite ore," "stored," "stored in the past," "storage piles" and "containers." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its response to Question 15.

Question 17:

Describe safety measures, if any, taken at the Site to avoid fugitive emissions from vermiculite ore storage. If the safety measures have changed over time, please describe these changes.

Response to Question 17:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 17 as vague, ambiguous, overly

broad and unduly burdensome to the extent that it requests information regarding "safety measures," "fugitive emissions," "vermiculite ore storage," "over time" and "these changes." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace has not located any information that would describe any additional measures to prevent emissions from storage within the silos.

Question 18:

Was vermiculite ore stored in any location at the Site accessible to the public? If so, describe precautions taken, if any, to reduce non-occupational exposure.

Response Question 18:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 18 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "vermiculite ore," "stored," "any location," "accessible to the public," "precautions taken" and "non-occupational exposure." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its response to Question 15.

Question 19:

Did the Site receive any complaints concerning emissions, fugitive or otherwise, from any person, business, agency or department? If so, please describe the nature of the complaint and provide the name of the complainant.

Response to Question 19:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 19 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "complaints," "concerning emissions," "fugitive or otherwise," "department" and "nature of complaint." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace also objects to Question 19 to the extent it calls for information or documents that are protected under the attorney-client privilege or the work product doctrine. Without waiving these objections, Grace responds as follows:

Grace is producing documents of the two instances of complaints about emissions of which it is aware.

Question 20:

Describe in detail the nature of the operation at the Site, including, but not limited to, production processes, monitoring and product storage and packaging.

Response Question 20:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 20 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "operation," "production processes," "monitoring," "product storage" and "packaging." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace also objects to Question 20 to the extent that it requests confidential or proprietary business information and/or information protected under various trade secret and intellectual property laws. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its responses to Questions 9, 14 and 26.

Question 21:

Describe safety measures, if any, taken at the Site to reduce dust from such operations. If the safety measures changed over time, please describe these changes.

Response Question 21:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 21 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "safety measures," "reduce dust," "such operations" and "changed over time." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its responses to Questions 9, 14 and 26.

Question 22:

Provide a list of all current and past employees at the Site, including, if possible, job category, years of employment, last known address and telephone number for each employee.

Response Question 22:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 22 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "job category." This term is not defined and is subject to differing opinions as to its ordinary meaning. Grace

also objects to Question 22 to the extent it requests confidential or private information. Without waiving these objections, Grace responds as follows:

Grace is providing a list of former employees who **may** have worked at the Site for Grace. Grace objects to providing an additional private information regarding these former employees.

Question 23:

Describe how exfoliated vermiculite, if any, was or is stored at the Site, including location and accessibility to the public.

Response Question 23:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 23 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "exfoliated vermiculite," "stored," "location" and "accessibility to the public." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its response to Question 9. Grace does not believe there was intermediate storage of exfoliated vermiculite prior to bagging.

Question 24:

If analyses were performed which describe the amphibole asbestos content of the exfoliated vermiculite product and waste products, please provide the data indicating the results of such analyses. For any such analyses, describe sampling and analysis methodology, as well as sample fiber size. Include data resulting from analyses of such products.

Response Question 24:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 24 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "analysis," "amphibole asbestos content," "exfoliated vermiculite product," "results," "such analysis," "sampling and analysis methodology," "sample particle size" and "such products." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace also objects to Question 24 to the extent that it requests confidential or proprietary business information and/or information protected under various trade secret and intellectual property laws. Without waiving these objections, Grace responds as follows:

Grace is unable to locate analysis of amphibole asbestos content of the exfoliated vermiculite product and waste products from the Minneapolis facility. Grace previously

produced to EPA Region VIII, in response to EPA's First Request for Information regarding the Libby site, methodology for the analysis of tremolite concentrations in Grace products. These documents were previously produced to EPA Region VIII in boxes noted as z-series boxes, including box 103z.

Question 25:

Describe notifications provided now or in the past to purchasers of products from this Site describing the amphibole asbestos content of the product and/or appropriate safety measures to be taken for the use of such product.

Response Question 25:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 25 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "notifications," "in the past," "purchasers," "products," "this facility," "asbestos content," "appropriate safety measures" and "use." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

In 1984, Grace implemented a system which uses the product invoice as a trigger for providing all direct purchasers with an appropriate Material Safety Data Sheet. Grace sends all customers an MSDS the first time they buy a particular product. Since at least 1984, Grace made the MSDSs available to its customers.

Question 26:

Describe emissions, whether process emissions, stack emissions, vent emissions or fugitive emissions, from the Site while the facility was operating. For stack emissions, describe emission content, quantity, fiber size, stack heights and diameters, exit gas velocities, rates and temperatures and number of hours each day in which emissions occurred.

Response Question 26:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 26 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "emissions," "process emissions," "stack emissions," "vent emissions," "fugitive emissions," "in the past," "emission content, quantity, particle size," "stack heights and diameters," "exit gas velocities" and "rates." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace is providing copies of all emissions data in its possession relating to the Minneapolis facility with this response. The data may be estimated based on process design

and/or the performance of similar facilities. The data being provided may not be representative of actual emissions from the Minneapolis facility.

Question 27:

Describe air pollution control equipment used in the past to control emissions from the Site.

Response Question 27:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 27 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "air pollution control equipment," "in the past" and "control emissions." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace also objects to Question 27 to the extent that it requests confidential or proprietary business information and/or information protected under various trade secret and intellectual property laws. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its response to Questions 9 and 14. Grace believes transport of vermiculite concentrates to the silos and transport from the silos to the furnaces was enclosed. In September, 1971, Grace installed a baghouse on the perlite expanding furnace. In October, 1972, baghouses were installed on the two vermiculite expanding furnaces. Dust from bagging stations and stoner rock discharge were routed to the furnace baghouses. In 1985, a wetted waste conveying system (an enclosed, screw-type conveying system with sonic fog nozzles to wet the material) was installed for all furnace baghouse collections. This system discharged to an enclosed bin. Grace is producing documents that may be responsive to this question.

Question 28:

Describe any solid wastes and or byproducts resulting from the production process. Describe any analyses performed on these waste products, including sampling and analysis methodology. Include data resulting from analyses of such wastes or byproducts.

Response Question 28:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 28 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "byproducts," "production process," "analysis performed," "waste products," "analysis methodology" and "such wastes." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace also objects to Question 28 to the extent that it requests confidential or proprietary business information and/or information protected under various trade secret and intellectual property laws. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its response to Question 9. Grace is also producing documents in its possession that may respond to this question.

Question 29:

Were or are solid wastes or byproducts including the "stoner rock" stored at the Site?

1. If yes, describe how such solid waste or byproduct is stored and was stored in the past, e.g., storage piles, containers, etc.
2. Describe safety measures, if any, taken at the Site to avoid fugitive emissions from solid waste or byproduct storage. If the safety measures have changed over time, please describe these changes.
3. Is or was solid waste or byproduct, currently and in the past, stored in any location accessible to the public? If so, describe precautions taken, if any, to reduce non-occupational exposure.
4. Provide, by year, amounts of solid waste and byproduct produced by this Site.

Response Question 29:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 29 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "byproducts" and "stored." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace further objects to the subparts of Question 29 as follows:

Subpart a Grace objects to Subpart a as vague ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "byproduct," "stored," "in the past," "storage piles" and "containers." These terms are not defined and are subject to differing opinions as to their ordinary meaning.

Subpart b Grace objects to Subpart b as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "safety measures," "fugitive emissions," "byproduct storage" and "changed over time." These terms are not defined and are subject to differing opinions as to their ordinary meaning.

Subpart c Grace objects to Subpart c as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "byproduct," "in the past," "stored," "any location," "accessible to the public," "precautions taken" and "non-occupational exposure." These terms are not defined and are subject to differing opinions as to their ordinary meaning.

Subpart d Grace objects to Subpart d as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "byproduct." This term is not defined and is subject to differing opinions as to its ordinary meaning.

Without waiving these objections, Grace responds as follows:

- a. Grace is aware of anecdotal evidence that practices prior to 1980 may have included piling stoner rock near the loading dock for pickup by certain entities.
- b. Grace incorporates here by reference its response to Question 27.
- c. See the response to Question 29(a).
- d. In 1982, Grace produced 1080 cubic yards of waste at the Minneapolis facility, not counting domestic wastes, the only year for which Grace has found quantities.

Question 30:

Describe handling, transport, sale and/or ultimate on-site or off-site disposal of solid wastes from this facility.

Response Question 30: Note that EPA's Question No. 29 is followed by Question Nos. 21-28, which Grace believes to be in error. Grace has consecutively numbered EPA Question Nos. 21-28 as Question Nos. 30-37.

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 30 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "handling," "transport," "sale" and "ultimate disposal." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

To the best of Grace's knowledge, during at least some period of the operation of the Minneapolis facility, solid wastes were disposed of in a dumpster or bin and shipped to the Flying Cloud Sanitary Landfill or the Burnsville Sanitary Landfill. Grace also incorporates here by reference its response to Questions 9 and 27.

Question 31:

Describe the ultimate disposition of byproducts, including, but not limited to, description of use and purchasers, transport, and provision of safety precautions for the use of such byproduct.

Response Question 31:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 31 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "ultimate disposition," "byproducts," "use," "purchasers," "transport," "provision of safety products" and "such byproduct." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace is unaware of the creation of any saleable byproducts during vermiculite processing at the Minneapolis facility.

Question 32:

Are or were employees or the public allowed to take product, solid waste or byproducts from the Site?

Response Question 32:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 32 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "the public," "product" and "byproducts." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace is aware of anecdotal evidence that practices prior to 1980 may have allowed employees to take vermiculite baghouse fines home for garden use.

Question 33:

Please list all environmental permits, local, state or federal, received for operation of the Site now and in the past. Include all monitoring reports and/or data submitted in application for these permits or in compliance with such permits.

Response Question 33:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 33 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "environmental permits," "operation," "storage or disposal areas," "in connection with," "in the past," "monitoring reports" and "such permits." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Without waiving these objections, Grace responds as follows:

Grace obtained Operating Permit #386-75-O-1 for its facility in 1975. The permit was renewed in 1980 as #386-80-OT-1. In 1985, Grace submitted a letter to the MPCA stating it believed it was exempt from permitting based on its low potential emissions and small combustion sources, but in the alternative requested a renewal. There is no indication in the records whether the exemption or the renewal was granted. Grace also had annual permits from Minneapolis Air Pollution Control for its furnaces. In addition, Grace submitted annual Industrial Waste Registrations for its sanitary sewer discharges. Grace is producing documents responsive to this Question. Grace also incorporates here by reference its response to Question 26.

Question 34:

Provide all environmental data collected by or for this Site beyond that provided in response to the preceding questions.

Response Question 34:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions and its objections to Question 34. Grace further objects to Question 31 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "environmental data." This term is not defined and is subject to differing opinions as to its ordinary meaning. Grace objects to Question 34 to the extent it calls for information or documents that are protected under the attorney-client privilege or the work product doctrine. Without waiving these objections, Grace responds as follows:

Grace incorporates here by reference its responses to Question 9 and Question 26.

Question 35:

Provide all reports or analyses of environmental conditions in the possession of Respondent relating to the operation and/or condition of this Site and surrounding properties.

Response Question 35:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 35 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "reports," "environmental conditions," "operation and/or condition" and "surrounding properties." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace objects to Question 35 to the extent it calls for information or documents that are protected under the attorney-client privilege or the work product doctrine. Grace objects to Question 35 to the extent it conflicts with EPA's policy, as stated at 65 Fed. Reg. 19681 (April 11, 2000), not to seek internal audits and to the extent any internal audits describe processes not associated with vermiculite processing. Without waiving these objections and subject to them, Grace responds as follows:

Grace incorporates here by reference its response to Question 6 and is also producing documents of industrial hygiene testing.

Question 36:

List all notifications provided by or for this Site pursuant to Section 103 of CERCLA, 42 U.S.C. § 9603.

Response Question 36:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 36 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "notifications." This term is not defined and is subject to differing opinions as to its ordinary meaning. Without waiving these objections, Grace responds as follows:

To the best of Grace's knowledge, none.

Question 37:

List any complaints, settlements and/or final administrative or judicial decisions involving this Site with any environmental regulatory agency or department.

Response Question 37:

Grace incorporates here by reference its General Objections and its Objections To The Instructions and Definitions. Grace further objects to Question 37 as vague, ambiguous, overly broad and unduly burdensome to the extent that it requests information regarding "complaints," "involving," "settlements" and "environmental regulatory agency or department." These terms are not defined and are subject to differing opinions as to their ordinary meaning. Grace also objects to Question 37 to the extent it calls for information or documents that are protected under the attorney-client privilege or the work product doctrine. Without waiving these objections, Grace responds as follows:

On August 18, 1970, Grace was given a \$100 suspended fine for violation of a smoke ordinance regarding its incineration of waste paper. (Between the notice of violation and the issuance of the fine, Grace had removed its incinerator burner and had contracted with a garbage service to haul its waste paper.) On March 31, 1971, Grace received a "tag" for violation of Minneapolis Ordinance 180.010 regarding emissions from its perlite furnace. The fine in that matter was stayed as Grace was installing a baghouse on that furnace at the time. Grace is producing documents that may be responsive to this question.